

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER - REGULATIONS AND PROCEDURES FOR THE APPROVAL OF SCHOOLS

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001 General Provisions.

001.01 Statutory Authority. This Chapter is adopted pursuant to Sections 79-318, 79-703, and 79-1601 of the Revised Statutes of Nebraska (R.R.S.).

001.02 Scope and Application of This Chapter. All schools in the state are required to comply with these rules and regulations for the approval and legal operation of schools, unless electing to comply with rules and regulations governing the procedures for exemption of schools from state approval and accreditation requirements pursuant to Section 79-1601 R.R.S. (Private, denominational, or parochial schools, teachers, and other individuals; laws applicable; election not to meet accreditation or approval requirements.), as prescribed in 92 NAC 13 (Regulations and Procedures for Exempting Schools for Which Parents Elect Not to Meet Legal Requirements for School Approval and Accreditation). Schools exempted from the approval and accreditation requirements of this Chapter shall not be considered approved by the Department, nor shall they be entitled to any of the benefits, privileges, or services accorded or provided to approved or accredited schools by the Department.

Approved school systems shall comply with all the numbered provisions of this Chapter and statutes as found in the applicable Assurance Statement. All the statements herein and applicable statutes are requirements of the following:

001.02A Public School Systems. All the statements herein and applicable statutes are requirements of public school systems.

001.02B Nonpublic Schools. Nonpublic schools shall meet all the requirements of this Chapter and applicable statutes except when specifically excluded or when a requirement is for districts only. The following numbered sections provide for additional requirements for nonpublic schools: 004.03A Clergy as School Counselor Option; 004.03B Nonpublic Schools Adding Grades; and Section 007 Procedures for Nonpublic Schools Applying for Initial Approval or Adding Grades to Previously Approved Schools.

001.02C Unified School System. For purposes of compliance with this Chapter, a unified school system shall meet the requirements as though the schools were part of one single district.

001.03 Purpose. The purpose of this Chapter – Regulations and Procedures for the Approval of Schools – is to govern standards and procedures for the approval and legal operation of schools through the review of nonpublic and public school systems and governing bodies using the AQuESTT framework approved by the Nebraska State Board of Education to ensure both equality of opportunity and quality of programs offered within schools.

001.04 Implementation of this Chapter. This Chapter will initially be used during the 2022/2023 school year to determine future approval status.

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001.05 Related Regulations. In addition to the requirements of this Chapter, public school systems must also comply with procedures for enrollment of students as found in 92 NAC 19 (Regulations Regarding School Enrollment) and with the requirements of educating high ability learners in 92 NAC 3 (Regulations Governing High Ability Learners). Provisions applicable to both public and nonpublic schools regarding educator certification and endorsement are contained in 92 NAC 21 (Regulations for the Issuance of Certificates and Permits to Teach, Provide Special Services, and Administer in Nebraska Schools) and 92 NAC 24 (Regulations for Certificate Endorsements). Each public school district shall comply with the requirements contained in 92 NAC 15 (Regulations and Procedures for English Learner Programs in Nebraska Public Schools), 92 NAC 19 (Regulations Regarding School Enrollment), and 92 NAC 51 (Special Education Program Standards).

001.06 Additional Materials Not Inconsistent With These Rules. The Department may issue policy directives, guidance documents, operational memoranda, administrative regulations, forms, and tools to guide application of approval requirements and the implementation of this Chapter, consistent with the promulgated rules and regulations. Any such materials will be made widely available for access by school systems and the public.

002 Definitions. As used in this Chapter:

002.01 Administrator means any certified employee such as superintendent, assistant superintendent, principal, assistant principal, or other supervisory or administrative personnel who does not have as a primary duty the instruction of pupils in the public schools as defined in Section 79-101(10) R.R.S. (Terms, defined.).

002.02 AQuESTT (Accountability for a Quality Education System Today and Tomorrow) means a framework for approval, accreditation, and accountability. The AQuESTT framework consists of three broad domains that exist in quality education systems:

1. Leadership
2. Success, Access, and Support to include the following tenets:
 - a. Educational Opportunities and Access;
 - b. Transitions; and
 - c. Positive Partnerships, Relationships, and Student Success
3. Teaching, Learning, and Serving to include the following tenets:
 - a. Educator Effectiveness;
 - b. Student Achievement and Growth; and
 - c. Postsecondary, Career, and Civic Readiness

002.03 Balanced Assessment System means a combination of formative, interim, and summative assessment instruments used to produce multiple sources of data that are used to inform decision-makers in adjusting the learning of students.

002.04 Board means the State Board of Education.

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002.05 Certificate, Certificated, or Certified means when referring to an individual holding a certificate to teach, administer, or provide special services, and also includes an individual who holds a permit issued by the Commissioner of Education pursuant to Sections 79-806 to 79-815 R.R.S. (Nebraska certificate, et al.).

002.06 Commissioner means the State Commissioner of Education.

002.07 Course means a particular subject, subject area, or defined sequence of learning experiences scheduled during the school day with a certificated teacher assigned and with one or more students enrolled and in attendance.

002.08 Competency-Based Education means a personalized learning system that allows learners to advance academically upon demonstrated mastery of clearly defined expectations depicting what students should know and be able to do. In a CBE system, students progress at an individualized pace, receiving instructional support as needed. CBE prioritizes mastery, permits flexibility with time, and encourages alternative instructional approaches.

002.09 Content Area Standards means a description of what students are expected to know and be able to do. Content area standards outline the content and process skills students will learn in grades K-12. Nebraska content area standards include two components: standards and indicators.

002.10 Core Instructional Program means a program which includes English Language arts, social studies, science, mathematics, career and technical education, world languages, fine arts, health education, and physical education and which incorporates multicultural education in all areas.

002.11 Credit means a measurement for a student successfully completing classroom instruction in an academic term of study or demonstrating competency of the content, as determined by the school system. One credit is equivalent to 12 clock hours (720 minutes) of classroom instruction in a course offered in grades 9-12.

002.12 Curriculum means locally determined curriculum that reflects how teachers help students learn the content within content area standards. A curriculum outlines the intended outcomes, content, experiences, assessments, and resources for measuring student learning, and it also includes the scope and sequence of what is taught in grades K-12.

002.13 Department means the State Department of Education, which is comprised of the Board and the Commissioner.

002.14 Elementary Grades means those grades designated by the school system as elementary, but not to include any above grade eight.

002.15 Emergency Operations Plan means a comprehensive plan for addressing prevention, preparedness, response, and recovery minimizing the impact of any hazard, threat, or incident to the safety and security of students, staff, visitors, and school building(s) and property.

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002.16 Governing Body means the school board or board of education of a public school district, a board elected or appointed to provide direction to a nonpublic school or a nonpublic school system, or an individual or corporate owner.

002.17 High School Grades means grades 9 through 12 in a school system organized with a four-year high school and grades 10 through 12 in a school system organized with a three-year high school. School systems organized with a three-year high school may include the ninth grade in determining compliance with this Chapter.

002.18 Integrated Course or Curriculum means a course or curriculum that is organized by concepts, themes, or ideas and includes content from two or more subject content areas or career fields.

002.19 Instructional materials means tools and resources that are used as part of a locally determined curriculum.

002.20 Instructional Hour means a period of time, at least sixty minutes, which is used for the instruction of students pursuant to Section 79-101(8) R.R.S. (Terms, defined.).

002.21 Middle Grades means grade(s) designated by the school system as middle and may include any grades from five through nine. The middle grades typically include at least grades seven and eight. Common middle grade configurations are grades five or six through eight.

002.22 Nebraska Teacher and Principal Performance Standards (NTPPS) means the instructional model that defines an effective teacher and an effective principal in Nebraska. These standards provide a structure designed to address the complexities of teaching and leading to ensure each student has access to effective educators. The NTPPS provides a common language to clarify districts' expectations in practices, programs, and policies, allowing for continued growth, support, and development opportunities for each districts' teachers and leaders.

002.23 Nonpublic school means a private, denominational, or parochial school.

002.24 School means an individual attendance center within a school system which provides elementary, middle, secondary, or high school education.

002.25 School Year means (a) for elementary grades other than kindergarten, the time equivalent to at least 1,032 instructional hours and (b) for high school grades, the time equivalent to at least 1,080 instructional hours pursuant to Section 79-101(7) R.R.S. (Terms, defined.).

002.26 School District means the territory under the jurisdiction of a single public school board as defined in Section 79-101(1) R.R.S. (Terms, defined.).

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002.27 School System means a public school district or a nonpublic school or group of nonpublic schools under a governing body organized to provide education in elementary, middle, secondary, and/or high school grades.

002.28 Secondary Grades means those grades designated by the school system as secondary, but not to include any below grade seven.

002.29 Student Achievement means evidence of student gains on measures of academic achievement (such as formative and summative assessment data, coursework, instructor observations) and elements perceived to influence those gains (such as student attendance, student engagement, and time on task and similar information), all of which are used to provide a well-rounded picture of school district and school performance.

002.30 Student Growth means improvement compared to the same individual's performance in the previous year.

002.31 Teach as defined in Section 79-101(12) R.R.S. (Terms, defined.) means and includes, but is not limited to, the following responsibilities: (1) The organization and management of the classroom or the physical area in which the learning experiences of pupils take place; (2) the assessment and diagnosis of the individual educational needs of the pupils; (3) the planning, selecting, organizing, prescribing, and directing of the learning experiences of pupils; (4) the planning of teaching strategies and the selection of available materials and equipment to be used; and (5) the evaluation and reporting of student progress.

003 AQuESTT Domain: Leadership.

The AQuESTT framework includes Leadership as one of three domains. Leadership as defined by the State Board means:

Strong leaders, committed to achieving educational equity, are critical to the processes of approval, accreditation, accountability, and continuous improvement. Leaders, from school boards to superintendents, principals to teacher leaders, set a vision for achieving educational equity, offering students meaningful access to the educational resources they need at the right moment, at the right level, and with the right intensity to not only reach high expectations for learning, but also to discover and explore their passions and make meaningful connections within the context of their postsecondary interests, careers, and civic lives. Leaders must possess the knowledge, skills, and mindset to systematize equity.

The system approval requirements related to the Leadership domain shall be as follows:

003.01 Regulations – All Public and Nonpublic School Systems.

003.01A School System Policies and Processes.

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003.01A1 Written Policies. The governing body of a school system shall have written policies for the school system. These policies must be accessible in each school building.

003.01A1a School Hours Policy. A school system shall have a written policy which assures that the school will meet the statutory requirement of at least 400 hours for kindergarten, at least 1,032 instructional hours for students up through grade eight, and at least 1,080 instructional hours for students in grades nine through twelve. The policy(ies) or regulations shall stipulate the conditions for which individual students may be excused from the regular school day.

003.01A1a(1) When a school is dismissed for any reason such as tournaments or contests, parent/teacher conferences, funerals, parades, and school picnics, time shall not be counted in meeting the 400/1,032/1,080 hour school year requirement.

003.01A1a(2) Time scheduled for the school lunch period shall not be counted in meeting the school year requirements.

003.01A2 Safe and Healthy Schools. A school system shall maintain safe, healthful, and sanitary conditions within the school building(s) and on the school grounds and shall meet fire, safety, and health codes.

003.01A2a Emergency Operations Plan. A school system shall have an emergency operations plan, which shall be approved by the local governing body for the school. The plan shall address the safety and security of buildings, their students, staff, and visitors.

003.01A2a(1) A school system shall schedule an annual visit to all campus school buildings by a current or retired law enforcement officer to review plans, facilities, policies, procedures, and practices in accordance with the NDE Guidance Document. Any recommendations made as a result of the site visit are forwarded to the head administrator and to the school safety committee and shall be considered for modifications to the emergency operations plan, facilities, policies, procedures, and protocols.

003.01A2b School Safety Committee. A school system shall have a school safety committee which includes representatives of faculty, parents, law enforcement, emergency management, and the community. The committee shall meet at least twice annually to prepare and/or review the emergency

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operations plan and procedures, including progress toward the Nebraska school safety and security standards.

003.01A3 Contested Case Orders. In a contested case, any school system receiving an order entered by the State Board of Education under the Administrative Procedures Act shall comply with the conditions of the order, unless a judicial stay has been entered.

003.01B School System Administration.

003.01B1 Head Administrator. K-12 schools and secondary school systems having grades ten through twelve shall have a head administrator who holds a Nebraska Administrative Certificate with an endorsement for serving as a superintendent.

003.01B2 Appropriate Endorsement. Any person assigned to administrative and/or supervisory duties shall hold a Nebraska Administrative Certificate with an appropriate endorsement for the position held.

003.01B3 Schools Jointly Contract. Two or more school systems may jointly contract with a person holding a Nebraska Administrative Certificate with the appropriate endorsement to fulfill administrative responsibilities.

003.01C Building Level Principals.

003.01C1 Elementary Principal. An elementary school shall have a principal assigned who holds a Nebraska Administrative Certificate with an endorsement appropriate for serving as an elementary principal or superintendent. When the number of full-time equivalency certificated staff supervised by a principal in one or more school systems reaches 10, the principal shall be assigned at least one-half time for administration and supervision. The principal shall be assigned full-time when the number of full-time equivalency certificated staff reaches 20 or more.

003.01C2 Middle Grades Principal. A middle grades school shall have a principal who holds a Nebraska Administrative Certificate with an endorsement for middle grades principal, elementary principal, secondary principal, or superintendent.

003.01C2a Middle Grades Five through Six. A middle grades school having only grades five through six, shall have a principal holding an endorsement for elementary principal, middle grades principal, or superintendent.

003.01C2b Middle Grades Seven through Nine. A middle grades school having only grades seven through nine shall have a principal holding an

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endorsement for middle grades principal, secondary principal, or superintendent.

003.01C2c Middle Grades Principal FTE. When the number of full-time equivalency certificated staff supervised by the principal reaches 10, the principal shall be assigned at least one-half time for administration and supervision. The principal shall be assigned full-time when the number of full-time equivalency certificated staff reaches 20 or more.

003.01C3 Secondary School Administration. A secondary school shall have a principal assigned who holds a Nebraska Administrative Certificate with an endorsement for serving as a secondary principal or for superintendent. When the number of full-time equivalency certificated staff reaches 10 or more, the principal shall be assigned at least one-half time for administration and supervision. The principal shall be assigned full-time for administration and supervision when the number of full-time equivalency certificated staff reaches 20 or more.

004 AQuESTT Domain: Success, Access, and Support.

The AQuESTT framework includes Success, Access, and Support as one of three domains. Success, Access, and Support as defined by the State Board means:

Educational Opportunities and Access: Each student has access to effective, comprehensive, and continuous learning opportunities that prepare them for ongoing school success, postsecondary education, and career goals.

Transitions: Quality educational opportunities focus on effective supports and high-quality collaborations for each student transitioning within, into, and between grade levels, programs, schools, districts, postsecondary education, and careers.

Positive Partnerships, Relationships, and Success: Schools and districts implement best practices in student, family, and community engagement to enhance experiences and opportunities that are culturally inclusive and relevant for each student. Student success and engagement relies on positive partnerships and relationships to fundamentally improve the outcomes for each student, school, district, and community.

The system approval requirements related to the Success, Access, and Support domain shall be as follows:

004.01 Regulations – All Public and Nonpublic School Systems.

004.01A All Grades.

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004.01A1 Grade Levels. A school system shall operate, offer instruction in, and give credit in only the grades for which the school system is approved.

004.01A2 Required Instruction. A school system shall make instruction in English language arts, mathematics, science, and social studies available each school year for all grades.

004.01A3 Instructional Program. The instructional program of a school system shall be based on content area standards approved by the local board of education or governing body. This information shall be available in each school building and accessible to each certificated staff member. School systems shall have a clearly written process in place to develop, modify, review, and select curriculum/instructional materials.

004.01A3a Writing Experiences and Disciplinary Literacy. A school systems shall incorporate writing and disciplinary literacy in all content areas of the K-12 instructional program.

004.01A3b Technology Skills. A school system shall teach basic technology knowledge and skills as part of the instructional program at the elementary, middle, and secondary levels. A school system shall have a clearly defined K-12 technology scope and sequence.

004.01A3c Multicultural Education. A school system shall incorporate multicultural education, as defined in Section 79-719 R.R.S. (Multicultural education, defined.) in all areas of the curriculum of grades kindergarten through twelve.

004.01A4 Content Area Standards. The school system shall adopt content area standards in all instructional program areas. The content area standards in English language arts, mathematics, science, and social studies shall be the same as, equal to, or more rigorous than the content area standards approved by the State Board of Education. Other content area standards may be based, wholly or in-part, on the respective content area standards for the content area.

004.01A5 Nebraska Career Readiness Standards. A school system shall integrate the Nebraska Career Readiness Standards into all content areas of the K-12 instructional program.

004.01A6 Transfer of Credits. School systems shall accept credit in the content areas of English language arts, mathematics, science, and social studies earned at any accredited or approved Nebraska school. Credits earned in other content areas shall be accepted by the receiving school system.

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004.01A7 Student Interventions and Support. A school shall have a process to provide problem solving, intervention strategies, and support for students.

004.01A8 Competency-Based Education. Schools that use competency-based curriculum or courses must have a written description of the curricula or course which includes the goals, representative instructional experiences, expected student performance for accomplishing the goals, and the rationale for allocating credits for the course. The written description is approved by the local board of education and is on file in the school.

004.01B School Counseling Program.

004.01B1 School Counselor. K-12 and secondary school systems shall assign at least a one-half time equivalency person to conduct a counseling program focused on student academic development, career development, and social-emotional development. The level of assignment is determined by the local school system and the person assigned holds a school counseling endorsement appropriate for the level(s) assigned. When enrollment in a school system exceeds 400, the system shall assign at least one full-time equivalency appropriately endorsed person.

004.01B2 Secondary Counselor. School systems having a total of 300 or more students in the middle grades, secondary grades, or high school grades shall assign at least a one-half time appropriately endorsed person to provide a school counseling program for the level. When the total enrollment in any of those levels reaches 450, one full-time equivalent appropriately endorsed person shall be assigned. Thereafter, an additional one-half time appropriately endorsed person shall be assigned for each 225 students at any of those levels.

004.01B3 Elementary Counseling Program. School systems having 300 or more students in the elementary grades shall have counseling programs or services available for the elementary students. The procedures and time allotment are determined by the local school system governing board.

004.01B4 Allowances for Teachers Completing School Counselor Endorsement. A person holding a Nebraska Teaching Certificate with no endorsement appropriate for school counseling may be assigned to fulfill the requirements of Sections 004.01B1 and 004.01B2 if such person acquires at least six credit hours each year toward an endorsement appropriate for guidance and counseling pursuant to 92 NAC 24 (Regulations for Certificate Endorsements).

004.01C Elementary Grades.

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004.01C1 Elementary Instructional Program. An elementary school shall have a representative weekly schedule for each classroom teacher encompassing experiences in the following areas:

004.01C1a English Language Arts. The curriculum provides a systematic approach to teaching foundational skills including print concepts, phonological awareness, phonics and word recognition, and reading fluency. The curriculum engages readers in a range of literary and informational texts and allows for meaningful connections between texts. The curriculum provides opportunities for students to build knowledge about their world, comprehend and analyze increasingly complex texts, and write for a variety of purposes, audiences, and tasks. The curriculum teaches skills to communicate effectively, and how technology and digital media is used to convey and share information effectively.

004.01C1b Mathematics. The elementary curriculum is coherent and across grade levels and topics, and it builds a strong foundation of number sense. The curriculum also balances conceptual understanding and procedural skills while supporting mathematical fluency and application. The curriculum provides students opportunities to problem solve with multiple representations while communicating their reasoning.

004.01C1c Social Studies. The curriculum helps prepare students to become competent, responsible, patriotic, and civically engaged. The curriculum includes the multiple perspectives, concepts and skills of social studies so students can build knowledge of and begin engaging in their communities, state, country, and world. The curriculum ensures content literacy in American History, Nebraska History, the Nebraska Constitution, local government, economics, financial literacy, civics, and geography. The curriculum allows students to practice civil discourse between opposing interests in order to make informed decisions that improve their community, state, country, and world.

004.01C1d Science. The curriculum engages students in all eight scientific and engineering practices to make sense of the world around them, deepening their understanding of disciplinary core ideas and crosscutting concepts. The curriculum includes consistent opportunities for students to gather, analyze, and communicate information, engage in authentic and relevant learning experiences that cultivate curiosity, make sense of relevant phenomena, and aid students in revising their thinking based on evidence. The curriculum allows students to draw from the integrated nature of science as well as their prior knowledge to make connections between disciplinary core ideas, across science domains, and across other content areas to make sense of familiar and unfamiliar phenomena and problems.

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004.01C1e Health Education. The curriculum helps promote the development of knowledge and skills that motivate students to maintain and improve their physical, emotional, and social health; advocate for self and others; prevent disease; form healthy relationships; and avoid or reduce health-related risk behaviors.

004.01C1f Physical Education. The curriculum is designed to allow students to develop knowledge and skills related to physical activity and movement patterns, including movement concepts, strategies, and tactics. The curriculum helps students learn about a variety of health-related physical activity and fitness, responsible behavior, and the benefits of physical activity. The curriculum promotes motor skill development, physical fitness, sportsmanship, self-efficacy, and behaviors to maintain healthy active living throughout childhood, adolescence, and into adulthood.

004.01C1g Fine Arts. The fine arts curriculum includes media arts, visual arts, dance, music, and theatre.

004.01C1g(1) Media Arts. The media arts curriculum allows students to develop knowledge and skills of current and emerging processes, techniques, and applications used to create, present, respond to, and connect media arts as a means of expressing human experience.

004.01C1g(2) Visual Arts. The visual arts curriculum allows students to develop and apply ideas, knowledge, and skills to create, present, respond to, and connect art with the human experience.

004.01C1g(3) Dance. The dance curriculum allows students to develop knowledge and skills to create, perform, respond to, and connect artistic ideas and expressions through dance and movement.

004.01C1g(4) Music. The music curriculum allows students to develop and apply knowledge and skills to create, perform, respond to, and connect music to human experience.

004.01C1g(5) Theatre. The theatre curriculum allows students to develop knowledge and skills and apply the creative and collaborative process within theatre by crafting, performing, responding to, and connecting expressions of the human experience.

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004.01C1h Computer Science and Technology. The curriculum is designed to introduce students to and build knowledge and skills in hardware and software, file management, productivity, computing systems, how the internet works, data processing, algorithms, block-based programming, and the impacts of computing. The curriculum will enhance the student's knowledge of technology and build problem solving and critical thinking skills.

004.01C2 Properly Endorsed Elementary Certificated Staff. Computed on a full-time equivalency basis, school systems shall assign a minimum of 95 percent of the teachers in the elementary grades to areas for which they hold certificates having appropriate endorsements pursuant to 92 NAC 24 (Regulations for Certificate Endorsements).

004.01D Middle Level Grades.

004.01D1 Middle Grades Instructional Program. For the program in the middle grades, school systems shall include instruction for each grade year in the following content areas. Instruction may be provided through separate courses, interdisciplinary teaching blocks, and/or through exploratory programs.

004.01D1a English Language Arts. The curriculum provides opportunities for students to engage with increasingly complex literary and informational texts and make meaningful connections between texts. The curriculum allows students to read texts closely across content areas and begin developing the skills to read content-specific texts proficiently and by doing so, gain deeper knowledge of their world. The curriculum supports students in building academic and content-specific vocabulary through engaging meaningfully with a range and volume of grade-level text. The curriculum includes writing tasks that are grounded in content, and the curriculum provides opportunities for students to demonstrate learning by communicating effectively through writing, listening and speaking, and multiple literacies.

004.01D1b Mathematics. The curriculum builds a strong foundation of proportional reasoning. The curriculum provides students opportunities to problem solve with multiple representations while communicating their reasoning.

004.01D1c Social Studies. The curriculum continues to prepare youth to become competent, responsible, patriotic and civically engaged. The curriculum integrates civics, history, economics, financial literacy, and geography and includes a focus on ancient civilizations, modern world

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history and geography, the foundations and principles of the United States Constitution and 19th Century American History. The curriculum engages students with inquiry questions that use informational texts, and the lenses of social studies disciplines to reach evidence-based conclusions that address current issues.

004.01D1d Science. The curriculum engages students in all eight scientific and engineering practices to make sense of the world around them, deepening their understanding of disciplinary core ideas and crosscutting concepts. The curriculum includes consistent opportunities for students to gather, analyze, and communicate information, engage in authentic and relevant learning experiences that cultivate curiosity, make sense of relevant phenomena, and aid students in revising their thinking based on evidence. The curriculum allows students to draw from the integrated nature of science as well as their prior knowledge to make connections between disciplinary core ideas, across science domains, and across other content areas to make sense of familiar and unfamiliar phenomena and problems.

004.01D1e Health Education. The curriculum helps promote the development of knowledge and skills that motivate students to maintain and improve the multiple dimensions of their health; advocate for self and others; prevent disease; form healthy relationships; and avoid or reduce health-related risk behaviors.

004.01D1f Fine Arts. The fine arts curriculum includes media arts, visual arts, dance, music, and theatre.

004.01D1f(1) Media Arts. The media arts curriculum allows students to develop the knowledge and skills of current and emerging processes, techniques, and applications used to create, present, respond to, and connect media arts as a means of expressing human experience.

004.01D1f(2) Visual Arts. The visual arts curriculum allows students to develop and apply ideas, knowledge, and skills to create, present, respond to, and connect art with the human experience.

004.01D1f(3) Dance. The dance curriculum allows students to develop knowledge and skills to create, perform, respond to, and connect artistic ideas and expressions through dance and movement.

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004.01D1f(4) Music. The music curriculum allows students to develop and apply knowledge and skills to create, perform, respond to, and connect music to human experience.

004.01D1f(5) Theatre. The theatre curriculum allows students to develop knowledge and skills applying the creative and collaborative process within theatre by crafting, performing, responding to, and connecting expressions of the human experience.

004.01D1g Physical Education. The curriculum includes knowledge of and active involvement in a variety of health-related physical fitness activities designed to develop cardiorespiratory endurance, muscular strength and endurance, and flexibility. The curriculum is designed to allow students to develop knowledge and skills related to responsible behavior and benefits of physical activity; and promotes motor skill development, sportsmanship, self-efficacy, and behaviors to maintain healthy active living throughout adolescence and into adulthood.

004.01D1g(1) Substitution for Physical Education. Practice for and participation in interscholastic activities (i.e., marching band, show choir, sports, JROTC) cannot substitute for any part of the physical education curriculum.

004.01D1h World Language. The world language curriculum may reflect an exploratory, concentrated, or immersion format. The curriculum emphasizes reading, writing, speaking, and listening skills for communicating in one or more languages other than English, knowledge and understanding of other cultures, connections to the use of the language in other content areas, application of the language to personal, community, and/or career experiences, and student leadership in explaining and monitoring their learning.

004.01D1i Computer Science and Technology. The middle school curriculum aligns to and supports the technology scope and sequence, including computer science. The curriculum is designed to build student's knowledge and skills in hardware and software, file management, productivity, computing systems, how the internet works, data processing, algorithms, networks, programming, and the impacts of computing. The middle school curriculum will enhance a student's foundational problem solving and critical thinking skills that will prepare them to be college, career, and civic ready.

004.01D1j Career and Technical Education. The middle school curriculum aligns to and supports the Nebraska Career Education Model

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and Standards for Career Readiness. The curriculum is designed to build student's knowledge and skills in the components of career development: self-awareness, career exploration, and career planning and management.

004.01D2 Middle School Credits. School systems may adopt a policy allowing high school credit to be awarded to students enrolled in a middle grades course if the course content and requirements are equivalent to a course offered in the high school.

004.01D3 Properly Endorsed Middle Grades Certificated Staff. Computed on a full-time equivalency, at least 90 percent of the teachers in middle grades shall hold one of the following endorsements or meet the provisions of Sections 004.01D3a through 004.01D3d.

004.01D3a Seventh and Eighth Grades. In grades seven and eight, any middle grades endorsement or an appropriate secondary endorsement for the content area in which they teach.

004.01D3a(1) Acquiring Six Hours. Teachers holding an elementary endorsement may teach in grades seven and eight and be considered "properly endorsed" if they acquire six credit hours per year toward the middle grades endorsement or participate in a minimum of six hours of staff development annually in accordance with a local mission and plan for the education of middle grade students.

004.01D3b Fifth and Sixth Grades. In grades five and six, an elementary endorsement or any middle grades endorsement.

004.01D3b(1) Acquiring Six Hours. Teachers holding a content area endorsement at the secondary level may teach grade six in that content area if they acquire six credit hours per year toward the elementary or middle grades endorsement or participate annually in a minimum of six hours of staff development in accordance with a local mission and plan for the education of middle grade students.

004.01D3c Ninth Grade. In grade nine, an appropriate secondary endorsement or any middle grades endorsement.

004.01D3d Acquiring Six Hours. Teachers not holding an appropriate endorsement may be assigned to the middle grades if they acquire six credit hours per year toward a middle grades endorsement in the appropriate content area(s) to which they are assigned.

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004.01D3e Secondary Teachers. Secondary teachers assigned to integrated courses or curriculum in grades seven through nine are considered appropriately endorsed if they hold an endorsement for any of the subjects or fields included in the course.

004.01D4 K-8 Self Contained Restriction. Teachers with a K-6; K-8; or K-6 (K-8 Self Contained) Endorsement can be considered “properly endorsed” when teaching students in grades seven and eight only if they teach the same students for over 50 percent of their school day in the content areas.

004.01D5 Middle Level Athletics Restrictions. Pupils in kindergarten through sixth grade do not participate in any kinds of athletic contests between schools within a school system or between school systems except that elementary school systems having seventh and eighth grade athletics may include sixth grade boys or girls when combined enrollment for seventh and eighth grade becomes a fewer than 12 boys or 12 girls and if the school board or local governing body has a policy regulating participation for sixth graders. Annual field or play days are excluded from this regulation.

004.01E Secondary Grades.

004.01E1 Determination of Credit. School systems shall base awarding of credit on criteria stipulated in policy. Credit is awarded when a student successfully completes classroom instruction in an academic term of study or demonstrates competency of the content, as determined by the school system. One credit is equivalent to 12 clock hours (720 minutes) of classroom instruction in a course offered in the grades nine through twelve.

004.01E2 Graduation Requirements. High schools shall require from grades nine through twelve at least 200 credit hours for graduation, for which at least 80 percent shall be from the core instructional programs. The core instructional program includes English language arts, mathematics, science, social studies/history, career and technical education, world languages, fine arts, health education, and physical education.

School systems shall adopt and implement graduation requirements that meet the highest level of rigor of the standards as specified in the state standards, including, but not limited to the following:

004.01E2a English Language Arts. Forty credit hours of English Language Arts aligned to the state-approved high school standards for English Language Arts. The high school course content includes a wide range of literary and informational reading, composition, research skills, oral communication, and technical reading and writing.

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004.01E2b Mathematics. Thirty credit hours of mathematics aligned to the state-approved high school standards for mathematics. The high school course content includes algebraic, geometric, data analysis, probability, and statistics concepts.

004.01E2c Science. Thirty credit hours of science aligned to the state-approved high school standards for science. The high school course content includes integrated or domained biological, earth/space, and physical science concepts with corresponding science and engineering practices and laboratory experiences.

004.01E2d Social Studies/History. Thirty credit hours of social studies aligned to the state-approved high school standards for social studies. Course content includes civics/government, economics, financial literacy, geography, United States history, and world history.

004.01E3 Required High School Program. The instructional program in grades 9-12 shall include a minimum of 400 credits offered per academic year.

Course offerings in grades 9-12 shall include as a minimum the following subject fields and the number of credits shown for each:

004.01E3a English Language Arts. 60 credits. The curriculum provides opportunities for students to engage with increasingly complex literary and informational texts and make meaningful connections between texts. The curriculum allows students to read texts closely across content areas and continue developing the skills to read content-specific texts proficiently and by doing so, gain deeper knowledge of their world. The curriculum supports students in building academic and content-specific vocabulary through engaging meaningfully with a range and volume of text. The curriculum includes writing tasks that are grounded in content, and the curriculum provides opportunities for students to demonstrate learning by communicating effectively through writing, listening and speaking, and multiple literacies.

004.01E3b Mathematics. 40 credits. The curriculum builds a strong foundation of algebra, geometry, and statistics and probability. The curriculum provides students opportunities to problem solve with multiple representations while communicating their reasoning.

004.01E3c Science. 40 credits. The curriculum engages students in all eight scientific and engineering practices to make sense of the world around them, deepening their understanding of disciplinary core ideas and crosscutting concepts. The curriculum includes consistent opportunities for students to gather, analyze, and communicate information, engage in

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authentic and relevant learning experiences that cultivate curiosity, make sense of relevant phenomena, and aid students in revising their thinking based on evidence. The curriculum allows students to draw from the integrated nature of science as well as their prior knowledge to make connections between disciplinary core ideas, across science domains, and across other content areas to make sense of familiar and unfamiliar phenomena and problems.

004.01E3d Social Studies. 40 credits. The curriculum continues to prepare youth to become competent, responsible, patriotic, and civically engaged. The curriculum integrates civics, history, economics, financial literacy and geography with a focus on content literacy, historical thinking skills, and college/career preparation. The curriculum allows students to develop and research inquiry questions, contextualize historical events, source primary and secondary documents, and evaluate multiple points of view around past, present, and future societal issues. The curriculum has students arrive at conclusions using evidence-based reasoning and learn how to appropriately and respectfully communicate and advocate for their ideas.

004.01E3e Career and Technical Education. 80 credits.
Career and Technical Education includes the following career fields: (1) Agriculture, Food, and Natural Resources, (2) Business, Marketing, and Management, (3) Communication and Information Systems, (4) Health Sciences, (5) Human Sciences and Education, and (6) Skilled and Technical Sciences. Career and Technical Education may provide for expanded learning opportunities through workplace learning experiences (including work-based learning) and co-curricular Career and Technical Student Organizations (CTSOs).

004.01E3e(1) Agriculture, Food, and Natural Resources. The curriculum focus areas provide opportunities for students to deepen their understanding of topics such as animal systems, plant and soil systems, agribusiness systems, food products and processing systems, power, structural, and technical systems, leadership and personal development, biotechnology, and environmental and natural resources systems. Work-based learning is provided through Supervised Agricultural Experience (SAE) Programs, and the National FFA Organization is the CTSO aligned to this career field.

004.01E3e(2) Business, Marketing, and Management. This includes areas such as financial literacy, business technologies, communication, business and consumer law, entrepreneurship, accounting, economics, personal finance, financial services marketing, retailing, fashion marketing/merchandising,

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international marketing, sports and entertainment marketing, global business, and hospitality and tourism. Future Business Leaders of America (FBLA) and DECA are the CTSOs aligned to this career field.

004.01E3e(3) Communication and Information Systems. This includes areas such as computer science, information technology, e-commerce, advertising, public relations, commercial photography, journalism, graphic design, broadcasting, scriptwriting, radio/television production, business technology applications, web design, interactive media, and networking. Future Business Leaders of America (FBLA) is the CTSO aligned to this career field.

004.01E3e(4) Health Sciences. This includes areas such as biotechnology research and development, behavioral health, medical terminology, diagnostic services, health informatics, supportive services, and therapeutic services. HOSA is the CTSO aligned to this career field.

004.01E3e(5) Human Sciences and Education. This includes areas such as family and consumer sciences, education and training, government and public administration, counseling and mental health, food and nutrition science, health and wellness, housing and interior design, human growth and development, early childhood education, personal relationships, textiles and apparel design, culinary arts, hospitality and tourism, family and community services, merchandising, and law, public safety, and security. Family, Career, and Community Leaders of America (FCCLA) and Educators Rising are the CTSOs aligned to this career field.

004.01E3e(6) Skilled and Technical Sciences. This includes areas such as architectural and design drafting, construction, electricity/electronics, home maintenance, welding, manufacturing, engineering, energy, technical education, and transportation, distribution, and logistics. SkillsUSA is the CTSO aligned to this career field.

004.01E3f World Language. 20 credits or two years of daily classes in the same language. The world language curriculum may reflect a concentrated or immersion format. The curriculum emphasizes reading, writing, speaking, and listening skills for communicating in one or more languages other than English; knowledge and understanding of other cultures; connections to the use of the language in other content areas; application of the language to personal, community, and/or career

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experiences; and student leadership in explaining and monitoring their learning.

004.01E3g Fine Arts. 40 credits. The fine arts curriculum includes media arts, visual arts, dance, music, and theater.

004.01E3g(1) Media Arts. The media arts curriculum allows students to develop the knowledge and skills of current and emerging processes, techniques, and applications used to create, present, respond to, and connect media arts as a means of expressing human experience.

004.01Eg(2) Visual Arts. The visual arts curriculum allows students to develop and apply ideas, knowledge, and skills to create, present, respond to, and connect art with the human experience.

004.01Eg(3) Dance. The dance curriculum allows students to develop knowledge and skills to create, perform, respond to, and connect artistic ideas and expressions through dance and movement.

004.01E3g(4) Music. The music curriculum allows students to develop and apply knowledge and skills to create, perform, respond to, and connect music to human experience.

004.01E3g(5) Theatre. The theatre curriculum allows students to develop knowledge and skills applying the creative and collaborative process within theatre by crafting, performing, responding to, and connecting expressions of the human experience.

004.01E3h Health Education. 10 credits or two years of daily classes in health education. The curriculum helps promote the development of knowledge and skills that motivate students to maintain and improve the multiple dimensions of their health; advocate for self and others; prevent disease; form healthy relationships; and avoid or reduce health-related risk behaviors. The curriculum includes content to emphasize life-long wellness habits including the knowledge and psychomotor skills applicable to cardio-pulmonary resuscitation (CPR).

004.01E3i Physical Education. 10 credits or two years of daily classes in physical education. The curriculum includes knowledge of and active involvement in a variety of health-related physical fitness activities designed to develop cardiorespiratory endurance, muscular strength and endurance, and flexibility. The curriculum is designed to allow students to develop knowledge and skills related to responsible behavior and benefits of physical activity; and promotes motor skill development,

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sportsmanship, self-efficacy, and behaviors to maintain healthy active living throughout adolescence and into adulthood.

004.01E3i(1) Substitution. Practice for and participation in interscholastic activities (i.e., marching band, show choir, sports, JROTC) cannot substitute for any part of the physical education curriculum.

004.01E4 Properly Endorsed Secondary Grades Certificated Staff. At least 80 percent of the courses offered in secondary grades during the regular school term shall be assigned to teachers who hold certificates having appropriate endorsements issued pursuant to 92 NAC 24 (Regulations for Certificate Endorsements). If 92 NAC 24 does not provide an endorsement designated for a particular course or subject area, any teacher holding a regular certificate may instruct such course without penalty to the school system. Teachers holding a subject endorsement are considered appropriately endorsed for any other subject within the broad field if they annually acquire, prior to the opening of school, six credit hours toward the subject endorsement or the broad field endorsement.

004.01E4a Teachers Assigned to Integrated Courses or Curriculum. Teachers assigned to integrated courses or curriculum in accordance with Section 004.01E4 shall be considered appropriately endorsed if they hold an endorsement for any of the subjects or fields included in the course.

004.02 Regulations – Public School Districts Only.

004.02A Prekindergarten Operation. Prekindergarten programs operated by public schools shall be coordinated by a staff member who holds a Nebraska Teaching Certificate with at least 9 college credit hours in early childhood education.

004.03 Regulations – Nonpublic School Systems Only.

004.03A Clergy as School Counselor Option. In nonpublic schools, clergy holding a Nebraska teaching or administrative certificate may be assigned to fulfill the requirement for properly endorsed counselors.

004.03B Nonpublic Schools Adding Grades. Nonpublic schools may add grades where the total credit requirements and one-fourth of the individual subject matter requirements for each grade that it offers are provided.

005 AQuESTT Domain: Teaching, Learning, and Serving.

The AQuESTT framework includes Teaching, Learning, and Serving as one of three domains. Teaching, Learning, and Serving as defined by the State Board means:

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Educator Effectiveness: Each student is engaged by effective educators throughout their learning experiences, such that schools and districts develop effective teachers and school leaders who establish a culture of success.

Student Achievement and Growth: A balanced assessment system that includes results from multiple sources is used to measure student growth and achievement towards Nebraska's content area standards. A balanced assessment system is a necessary component of the instructional process to improve learning and growth for each student.

Postsecondary, Career, and Civic Readiness: Each student, upon high school graduation, is prepared for success in postsecondary education, career, and life pursuits.

The system approval requirements regarding the Teaching, Learning, and Serving domain shall be as follows:

005.01 Regulations – All Public and Nonpublic School Systems.

005.01A Educator Effectiveness/Certificated Staff Support, Development and Evaluations. A school system shall have a written board policy for the support, development, and evaluation of certificated-employees that is aligned to the Nebraska Teacher and Principal Performance Standards (NTPPS), or an instructional model that is equal to or more rigorous than the NTPPS.

005.01A1 Policy Approval. The policy shall be approved by the Commissioner or Commissioner's designee.

005.01A2 Communication. A school system shall provide annual written communication of the support, development, and evaluation process to all certificated-employees.

005.01A3 Change of Policy Approval. In the event a system changes its policy for certificated-employee support, development, and evaluation, the system shall submit the revised policy to the Commissioner or Commissioner's designee for approval. If the Commissioner or Commissioner's designee finds the policy in compliance with the requirements of Sections 005.01A1 through 005.01A8 of this Chapter, the Commissioner or Commissioner's designee shall notify the system in writing that such policy is approved. Such approval shall remain in effect until there is a change in the policy by the system, or the amendment of state law or regulations relating to such approval. In the event the Commissioner or Commissioner's designee does not find the revised policy of the system in compliance with the provisions of this Chapter, the Commissioner or Commissioner's designee will notify the system in writing and the district may resubmit an amended policy.

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005.01A4 Support and Development Policy. A school system shall implement the support and development policy by written procedures that include but are not limited to the following:

005.01A4a Support Needs Determination. The method to be used to determine support and professional learning needs of certificated-employees.

005.01A4b Implementation Plan. An implementation plan so certificated-employees have access to support.

005.01A4c Conducting Staff Development. A school system shall annually conduct or arrange staff development sessions.

005.01A4d Staff Development. A certificated-employee shall participate in at least ten hours of staff development activities each year.

005.01A5 Evaluation Policy. A school system shall implement the evaluation policy by written procedures that include:

005.01A5a Observations. A description of the duration and frequency of observations and written evaluations for probationary and permanent certificated-employees.

005.01A5b Evaluation Criteria. Specific school system-defined evaluation criteria which align, at minimum, with the NTPPS.

005.01A5c Written Communication. Provision for written communication and documentation to the evaluated certificated-employee specifying all noted deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement.

005.01A5d Written Response by Employee. Provision for the certificated-employee to offer a written response to the evaluation; and

005.01A5e Description of Training Plan. Description of the school system's plan for training evaluators.

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005.01A6 Training Requirements for Evaluators. All evaluators, with the exception of the local board of education when it evaluates the superintendent, shall possess a valid Nebraska Administrative Certificate and shall be trained to use the evaluation system used in the school system.

005.01B Balanced Assessment System. A school system shall utilize a balanced assessment system.

005.01C Library Media Services.

005.01C1 Library. A school shall have a library area which is staffed or monitored by an adult and is available to students during the entire school day. All library media resources are properly cataloged, marked, and shelved according to a standard classification system.

005.01C2 Library Resources. A school building shall purchase a minimum of 25 new library resources in print format, of different titles, per teacher, per year, up to 150 titles during one year exclusive of textbooks and encyclopedia. The minimum number of new titles in print format is 75 if new titles are also purchased through digital format. A school building shall have at least one encyclopedia available in either print or digital format with copyright dates in the past five years and access to online periodical databases.

005.01C3 School Librarian. A K-12 school system and each secondary school system shall have a person holding a Nebraska Teaching Certificate with an endorsement appropriate for school librarian, or meeting Section 005.01C4, assigned on at least a one-half time basis to provide library media services to the school system.

005.01C4 Allowances for Teachers Completing School Librarian Endorsement. A school system may assign a person holding a Nebraska Teaching Certificate with no endorsement appropriate for school librarian to fulfill the requirements for Section 005.01C3 if such person acquires at least six credit hours each year toward an appropriate endorsement pursuant to 92 NAC 24 (Regulations for Certificate Endorsements). Persons employed by a Nebraska school prior to July 1, 1989, to provide library media services and who hold a Nebraska Special Services Certificate with an endorsement appropriate for library media services may fulfill the requirements of these regulations.

005.01D Pledge of Allegiance. Each school system shall require each such schools to establish a period of time during the school day, when a majority of pupils is scheduled to be present, during which pupils will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America, in grades kindergarten through twelve. Pupil participation in the recitation of the Pledge of Allegiance shall be voluntary.

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Pupils not participating in the recitation of the Pledge shall be permitted to silently stand or remain seated but shall be required to respect the rights of those pupils electing to participate.

006 Waivers and Plans.

006.01 Board Waiver Request. School systems, in order to better meet local goals, may submit a request for a Board waiver of one or more regulations found in this Chapter, however any regulation required by statute shall not be waived. The Board waiver request shall include the following:

006.01A Program Substitution. A description of the program or process to be substituted for the regulation to be waived.

004.01B Equitable Opportunities. An explanation indicating how the local program or process will provide equivalent or improved opportunities for students and meet the objectives in the system's continuous improvement plan.

006.01C Resources. If appropriate, how resources, including staff, would be reallocated, or used differently to provide programs or services.

006.01D Time Period. Length of time for the requested waiver, not to exceed three years.

006.01E Progress Report. Procedures for providing an annual progress report to the Board.

006.02 Waiver State Board Approval. The Commissioner shall submit the Board waiver request to the Board with their recommendations. The Board may approve the requested waiver if the components of the plan substituted for the waived provisions will promote quality learning, equity, and/or accountability. The Board shall reject the waiver if, in its opinion, the plan and requested waivers would not provide improvement in quality learning, equity, and/or accountability.

006.03 Waiver Extension. At the end of the waived time period, school systems may request and be granted Board approval of the same waiver for a period of up to three additional years if it can be demonstrated that the system is meeting the objectives for which the waiver was granted.

006.04 Commissioner Waiver. The Board may grant the Commissioner the ability to waive one or more regulations found in this Chapter for some or all school systems due to epidemic sickness, severe storm conditions, or other unforeseen circumstances. Any regulation required by statute shall not be waived.

006.05 Modifications. School systems which exist in unique circumstances due to population sparsity, geographic barriers, or other similar factors may submit a request to the State Board of Education for a modification of this Chapter to better meet the needs of the students; however,

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any regulation required by statute shall not be modified. Schools seeking such modification shall submit: (1) an explanation of the unique circumstances leading to this request; (2) proposed modifications to better meet the needs of the students in the school; (3) an explanation of how the modifications will provide quality learning, equity, and accountability; (4) a copy of the continuous improvement plan; and (5) procedures for annual reporting to the Commissioner. Upon approval by the Board, the modifications shall remain in effect unless changed by a revision of this Rule or change in status of the school system.

007 Procedures for Nonpublic Schools Applying for Initial Approval or Adding Grades to Previously Approved Schools.

007.01 Application Process. A governing body seeking approval or seeking to add grades to a previously approved school shall submit an application on forms supplied by the Department. The completed approved application forms must be received by the Department no later than May 1 prior to the start of the school year.

007.01A Adding Grades. A nonpublic school system adding high school grades shall provide at least one-fourth of the total credit requirement and one-fourth of the individual subject matter requirements for each grade that it offers.

007.02 Recommendation by the Commissioner. If it is determined through visitation and/or reporting that the applicant school can comply with the provisions of this Chapter, a recommendation shall be made to the Board that the applicant school be granted conditional approval.

007.03 Action by the Board and Subsequent Reports. Upon favorable action by the Board, the applicant school shall be granted conditional approval for one school year.

007.04 Applicant School Visitation. A representative of the Department shall visit the applicant schools during the school year while students are in attendance to determine the school's compliance with the provisions of this Chapter.

007.05 Noncompliance. If it is determined that a school has failed to comply with the provisions of this Chapter at any time during the year of conditional approval, it shall be just cause following notice to initiate proceedings before the Board to immediately terminate the conditional approval.

007.06 Duration of Approval. Language. Continued approval is granted for one school year from each July 1 through the following June 30. As detailed in this Chapter, failure to comply with provisions may cause a school or school system to lose its approval during the school year.

008 Loss of Approval – All Public and Nonpublic School Systems.

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008.01 Conditions of Approval. Compliance with Revised Statutes of Nebraska are a condition of approval. Non compliance with Revised Statutes of Nebraska may result in the Board terminating the legal operation of the school system during the school year.

008.01A Failure to Meet. A school system shall self-report any unmet regulations contained in 92 NAC __ (Regulations and Procedures for the Approval of School Systems). Upon consultation with a Department representative, the school system shall submit on the school letterhead a corrective action plan, to be approved by a Department representative.

008.01B Failure to Comply. A school system that fails to self-report an unmet regulation of 92 NAC __ (Regulations and Procedures for the Approval of School Systems) shall receive a failure to comply notice. A corrective action plan shall then be written and submitted on school letterhead, no later than 30 days after the initial notice, to be approved by a Department representative.

008.01C Violations. A school system shall receive a violation notice when failing to submit a corrective action plan within 30 days as outlined in 92 NAC 008.01B or consecutive years of the same failure to comply notice. A violation shall result in immediate corrective actions by the school system to be submitted to, and approved by, the agency representative.

008.01D Effect of Violations on School Systems. All school systems are required by state statute to be approved. If, after consultation with school officials, the Commissioner determines that school systems have any uncorrected violations, he or she may make the applicable following recommendations to the Board:

008.01D1 Approval on Probation. The Commissioner may recommend school systems for Approval on Probation for the following circumstances:

008.01D1a A school system having a violation under Section 008.01C and continued noncompliance in a subsequent school year, or

008.01D1b A school system with a pattern of failure to meet and/or failure to comply with any regulations of 92 NAC __ (Regulations and Procedures for the Approval of School Systems).

008.01D2 Non-Approval. The State Board has discretion to establish a timeline for compliance with probation requirements. A school system on probation continuing to have noncompliance of regulations after the date specified by the Board, shall be recommended for non-approval for the following school year and shall be subject to loss of authority to operate and for public school districts, the reassignment of territory to other school districts.

008.02 Provisions for Notice and Hearing.

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008.02A Commissioner's Recommendation. When the Commissioner makes a recommendation to the Board for a school system to be placed on probation or for denial or revocation of approval, notice of the recommendation and of the right to request a hearing shall be given to the school system by certified mail sent at least 30 calendar days prior to the date of the Board meeting at which the recommendation is to be considered. Copies will be sent to the superintendent or head administrator of the school system, and to the presiding officer of the governing body, if known. This notice shall specify the basis for the recommendation.

008.02B Requesting a Hearing. If the school system notifies the Commissioner at least seven days prior to the date the recommendation is to be considered by the Board that it requests a hearing, the Board shall schedule a hearing date.

008.02C Hearing Provisions. All hearings arising under this Chapter shall be conducted in accordance with the hearing procedures of 92 NAC 61 (Rules of Practice and Procedure for Hearings in Contested Cases Before the Department), including provisions of that Chapter relating to evidence. Any action taken or recommended by the Commissioner adverse to the school system may be the subject of a petition by such school system under 92 NAC 61, in which case all the provisions of 92 NAC 61 shall apply to such appeal.

008.03 Action by the Board. Upon review of the Commissioner's recommendation, and following any hearing, the Board shall make a determination of the future approval status of the system and shall inform the system in writing of its determination.